

**CODE OF GENERAL ORDINANCES**  
**PART 8, CHAPTER 8**  
**SWIMMING POOL ENCLOSURES**

**Section 8-1001 General.** In-ground swimming pools shall comply with the requirements of this chapter. As used in this chapter, swimming pools shall only include in-ground swimming pools as defined herein.

**Section 8-1002 Definition.** The following word and term shall, for purposes of this chapter, have the meaning shown herein:

**SWIMMING POOLS.** Any structure intended for swimming, recreational bathing, or wading that contains, or is intended to contain, water over 24 inches deep and a water surface area exceeding 200 sq. ft. Swimming pools as used in this chapter includes only in-ground pools which are those structures primarily constructed in the ground so that seventy-five percent (75%) of the intended water impoundment lies below surface level of the ground on all sides of the structure. Swimming pool as used in this chapter does not include above-ground pools, hot tubs, or spas.

**Section 8-1003 Public swimming pools.** Public swimming pools shall be completely enclosed by a fence at least 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4 inch (102 mm) diameter sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

**Section 8-1004 Residential swimming pools.** Residential swimming pools shall comply with Sections 8-1004.1 through 8-1004.3.

**Section 8-1004.1 Barrier height and clearances.** The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade the barrier is authorized to be at ground level or mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

- a) **Openings.** Openings in the barrier shall not allow passage of a 4 inch (102 mm) diameter sphere.
- b) **Solid barrier surfaces.** Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- c) **Closely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

- d) Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
- e) Chain link dimensions. Maximum mesh size for chain link fences shall be a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).
- f) Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).
- g) Gates. Access gates shall comply with all the foregoing requirements of this Section 8-1004.1 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. The release mechanism shall be located on the pool side of the gate.
- h) Dwelling unit wall as a barrier. A wall of a dwelling unit may serve as part of the barrier required by this ordinance.

**Section 8-1004.2 Indoor swimming pools.** Indoor swimming pools surrounded by the walls of a dwelling unit shall not be required to comply with this ordinance.

**Section 8-1004.3 Prohibited locations.** Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.

### **Section 8-1005 Penalty.**

**Section 8-1005.1** A violation of this chapter shall subject the offender to a civil penalty of one hundred dollars (\$100.00). Each day's continuing violation shall be a separate and distinct offense.

**Section 8-1005.2** In addition to, and not in lieu of, the foregoing civil penalty, this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction, including injunction and order of abatement.

### **Section 8-1006 Applicability.**

**Section 8-1006.1** This ordinance shall apply only to swimming pools constructed after the effective date hereof.

**Section 8-1006.2** Swimming pools under construction as of the effective date hereof which are more than fifty percent (50%) complete as of such date shall be deemed to be constructed prior to the effective date hereof.

**Section 8-1006.3** Any swimming pools constructed prior to the effective date shall be subject to this ordinance if, after the effective date, such swimming pool is modified or enlarged so that the surface area water impounded thereby is increased or decreased by more than ten percent (10%).

**Section 8-1006.4** Any damage to barriers required by this ordinance must be repaired by the owner thereof within a reasonable time not to exceed sixty (60) days from the date of such damage.

**Section 8-1007 Effective date.** This ordinance shall be effective this the 3rd day of May, 2004.